



Entered on Docket
October 17, 2011


Hon. Mike K. Nakagawa
United States Bankruptcy Judge

HUTCHISON & STEFFEN

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*Attorneys for Creditor
Branch Banking and Trust Company
successor in interest to FDIC as receiver
of Colonial Bank N.A.*

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:) CASE NO.: 11-14973-mkn
R & S ST. ROSE LENDERS, LLC) CHAPTER 11
Debtor.)
Date: October 5, 2011
Time: 9:30 a.m.
)

**ORDER GRANTING BRANCH BANKING AND TRUST COMPANY'S MOTION TO
MODIFY AUTOMATIC STAY TO ALLOW STATE COURT APPEAL TO PROCEED**

Branch Banking and Trust Company's Motion to Modify Automatic Stay to Allow State Court Appeal to Proceed having regularly come before the Court on October 5, 2011 at 9:30 a.m., Joseph Kistler of Hutchison & Steffen appearing on behalf of Branch Banking Trust

1 Company ("BB&T") and Zachariah Larsen and special counsel Samuel Schwartz appearing for
2 the Debtor; proper service having been completed; the Court having considered the pleadings
3 and papers on file, and upon hearing oral argument enters the following Order:

4 **ORDER**

5 IT IS HEREBY ORDERED that the automatic stay is modified to allow BB&T to
6 proceed with its appeal before the Nevada Supreme Court involving the Debtor.

7 IT IS FURTHER ORDERED that following resolution of the appeal by the Nevada
8 Supreme Court, the parties shall report back to this Court to determine if further proceedings
9 are necessary in the State Court or in this Court.

10 Dated October 12, 2011.

11 HUTCHISON & STEFFEN, LLC

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1 Local Rule 9021 Certification
2

3 In accordance with LR 9021, counsel submitting this document certifies that the
4 order accurately reflects the court's ruling and that (check one):
5

6 The court has waived the requirement set forth in LR 9021(b)(1).
7

8 No party appeared at the hearing or filed an objection to the motion.
9

10 I have delivered a copy of this proposed order to all counsel who appeared at the
11 hearing, and each has approved or disapproved the order, or failed to respond, as
12 indicated below [list each party and whether the party has approved, disapproved, or
13 failed to respond to the document]:
14

15 Counsel appearing: Samuel Schwartz, Esq. - approved; Zachariah Larson, Esq. - no
16 response
17

18 Unrepresented parties appearing: None
19

20 Trustee: No Appearance at Hearing
21

22 I certify that this is a case under Chapter 7 or 13, that I have served a copy of this
23 order with the motion pursuant to LR 9014(g), and that no party has objected to the
24 form or content of the order
25

26 
27 Counsel for Movant
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